

1 THE HONORABLE ROBERT S. LASNIK
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8 UNITED STATES DISTRICT COURT
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10 WESTERN DISTRICT OF WASHINGTON
11 AT SEATTLE

12 UNITED STATES OF AMERICA,
13 v.
14 PAIGE A. THOMPSON,
15 Defendant.

Case No.: CR19-159-RSL

**DECLARATION OF TYLER G. NEWBY
IN SUPPORT OF AMAZON WEB
SERVICES, INC.'S MOTION TO
QUASH DEFENDANT'S TRIAL
SUBPOENA**

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17 I, Tyler G. Newby, declare as follows:

18 1. I am an attorney admitted to practice in the State of California admitted *pro hac*
19 *vice* in this Court regarding the above-captioned matter. I am a partner with the law firm of
20 Fenwick & West LLP and represent Amazon Web Services, Inc. ("AWS"). I make this
21 declaration in support of AWS's Motion to Quash Defendant's Trial Subpoena. I have personal
22 knowledge of the facts in this declaration and, if called upon to do so, could and would testify
23 competently to the matter set forth herein.

24 2. On March 28, 2022, Defendant's counsel emailed a link to non-party AWS
25 containing trial subpoenas for every current AWS employee – 11 in total – who was deposed in
26 the related civil matter, In Re: Capital One Consumer Data Security Breach Litigation, MDL No.
27 1:19-md-02915 (AJT-JFA).

28 3. Nima Mehr is one of the subpoenaed employees. As counsel of record in the
DECLARATION OF NEWBY ISO AWS' MOTION TO QUASH

1 related civil matter, MDL No. 1:19-md-02915 (AJT-JFA), I worked with Mr. Mehr in
2 preparation of his deposition testimony in November 2020. Through that experience, I learned
3 that Mr. Mehr is not a United States citizen. He is a citizen of Canada and Iran, and he resides
4 and works for AWS in Vancouver, Canada. I spoke to Mr. Mehr and confirmed his citizenship
5 status and place of residence on June 6, 2022.

6 4. From March 30, 2022 to May 4, 2022, Defendant's counsel and I corresponded
7 via email about scheduling a call to discuss the trial subpoenas. On May 9, 2022, Defendant's
8 counsel and I met and conferred regarding the subpoenas, and I informed Defendant's counsel
9 that Mr. Mehr does not reside in the United States and is not available for trial.

10 5. After further email correspondence, Defendant's counsel informed me on June 1,
11 2022 that Mr. Mehr and others are "still under subpoena and we anticipate calling them, if they
12 don't testify in the government's case in chief..."

13 6. Attached hereto as **Exhibit A** is a true and correct copy of my correspondence
14 with Defendant's counsel from March 28, 2022 to June 5, 2022.

15 I declare under penalty of perjury under the laws of the United States of America that the
16 foregoing is true and correct.

17 || Executed at Mill Valley, CA on this 6th day of June, 2022.

18 || Dated: June 6, 2022 Respectfully submitted,

FENWICK & WEST LLP

By: /s/ Tyler G. Newby